

ROGER L. FIDLER (RF-9997)
Attorney for Defendant
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

_____	:	No. 07 Civ. 8814 (LLS)
SECURITIES AND EXCHANGE COMMISSION,	:	
	:	
Plaintiff,	:	
	:	
- against -	:	
	:	
JOSHUA S. SHAINBERG and	:	AFFIDAVIT OF
LARYSSA SHAINBERG,	:	MARK SHAINBERG
	:	
	:	
Defendants.	:	
_____	:	

STATE OF CALIFORNIA }
 } SS.:
COUNTY OF LOS ANGELES }

I, Mark Shainberg, being duly sworn upon oath, hereby deposes and says:

1. I am the brother of Joshua Shainberg, a defendant in the above captioned matter.
2. I reside at 2038 Bagley Avenue, Los Angeles, CA 90034.
3. I am submitting this Affidavit in opposition to Plaintiff's Order to Show Cause and any other motions made by Plaintiff attempting to garnish or otherwise attach, levy, compel conveyance or force the sale of the cooperative apartment known as Unit L-806, 385 Grand Street, New York, NY 10002 (the "Apartment") belonging to Laryssa Shainberg.

4. On or about October 18, 1975, my father, Nuta Shainberg, died and my mother, Rachel Shainberg, died in March 18, 1990. Until their deaths they owned the Apartment.

5. Having passed intestate her three children, Joshua, Abraham and myself had equal shares in the estate and hence the Apartment.

6. On or about January 1997, my brother Joshua asked me to agree to take whatever actions were necessary to convey my interest in the Apartment to his fiancé, Laryssa, so that he could honor the terms of a prenuptial agreement that Laryssa had insisted he sign. Thereafter, on or about January 1997, I agreed to give Laryssa my share in the Apartment so she would agree to convert to Orthodox Judaism and marry Joshua and eventually I renounced my interest in the estate and allowed the formal conveyance to her.

____s/Mark Shainberg_____
Mark Shainberg

Sworn and subscribed to before me
on this 15th day of November, 2007

____s/Katalin Langianese_____
Katalin Langianese
Notary Public – California
Commission # 1006008
Los Angeles County
My Comm. Exp. Sept. 12, 2009